

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GLENN LEROY SAUNDERS,  
Plaintiff,  
vs

9:06-CV-857

CHRIS AARUCHIO, Mental health Nurse,  
Cayuga County Jail,  
Defendant.

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APPEARANCES:

GLENN LEROY SAUNDERS  
Plaintiff, Pro Se  
V-127 Oak Creek  
Auburn, NY 13021

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendant  
Department of Law  
247 W. Fayette Street  
Syracuse, NY 13202

DAVID N. HURD  
United States District Judge

OF COUNSEL:

JOSEPH W. SAVAGE, ESQ.  
Asst. Attorney General

**DECISION and ORDER**

Plaintiff, Glenn Leroy Saunders, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated August 22, 2007, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that defendant's motion to dismiss be denied. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge DiBianco, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

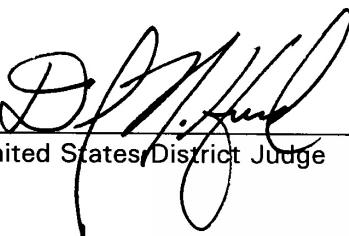
ORDERED that

1. Defendant's motion to dismiss is DENIED; and
2. Defendant shall file and serve an answer to the complaint on or before

October 25, 2007.

IT IS SO ORDERED.

Dated: October 10, 2007  
Utica, New York.



United States District Judge